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State of New Jersey

Department of Environmental Protection
Land Use Regulation Program

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Trenton, NJ 08625-0439

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Bradley M. Campbell
Commissioner

James E. McGreevey
Governor

DEC 11 2002

Mr. Joseph Sweger
New Jersey Department of Transportation
PO Box 600
Trenton, New Jersey 08625-0600

RE: Authorization for Freshwater Wetlands Statewide General Permit No. 10B and Waiver of Transition Area for Access

LURP No.: 1225-02-0024.1 FWW 020001

Applicant: NJ DOT

Block: N/A R.O.W.; Lot: N/A R.O.W

Woodbridge Township, Middlesex County

Dear Mr. Sweger:

The Land Use Regulation Program has reviewed the referenced application for Statewide General Permit authorizations pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activities are authorized by Statewide General Permit No. 10B, which authorizes construction of minor road crossings for which there is no alternative onsite location and/or configuration of up to 0.25 acres of disturbance.

Limit of Authorized Disturbance

The entire project is shown on the following set of plan sheets:

Sheets 1 to 15 of 15 entitled, "State of New Jersey, Department of Transportation, PLANS OF ROUTE 1&9 / ROUTE 35 INTERCHANGE, CONTRACT NO. 036950176, FRESHWATER WETLANDS PERMIT PLANS, TOWNSHIP OF WOODBRIDGE, COUNTY OF MIDDLESEX", prepared by William D. Colon of DMJM+Harris, Inc., dated December 2, 2002.

The authorized work is specifically shown on the following 2 plan sheets from the set referenced above:

Sheets 8 & 9 of 15 entitled, "NEW JERSEY DEPARTMENT OF TRANSPORTATION, FRESHWATER WETLANDS PERMIT PLAN, ROUTE 1&9 / ROUTE 35 INTERCHANGE, CONTRACT No. 036950176", William D. Colon of DMJM+Harris, Inc., dated December 2, 2002.

The authorized activity involves the widening and reconstruction of Route 1&9 from south of Route 35 to Tappen Street and shall specifically be limited to the:

1. Reconstruction of Route 1&9 south of the Route 35 interchanges
2. Resurfacing and widening of Route 1&9 north of the Route 35 interchanged to Tappen Street.
3. Construction of a new Route 1&9 over Route 35 and new ramps interconnecting with Route 35.
4. Construction of three retaining walls along the ramps referenced in item 3 above to minimize the right-of-way and wetland impacts.
5. Reconstruction of Route 35 in the vicinity of the new interchange, including new signalized intersections to enable traffic on Route 35 to enter Route 1&9.

Any additional disturbance of freshwater wetlands, State open waters or transition area shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

1. The total amount of disturbance associated with this authorization shall not exceed of 0.25 acres (10,890 sf) of wetlands.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.

(General Conditions continued)

6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Transition Area

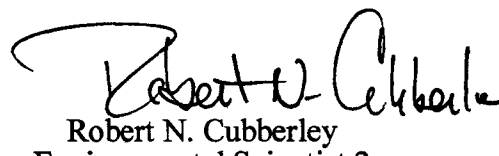
The wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required is 50 feet. This General Permit includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-6.2(a).

Appeal of Decision

In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact Evelyn M. Hall of our staff at (609)984-0194. Please reference the above file number.

Sincerely,


Robert N. Cubberley
Environmental Scientist 2
Land Use Regulation Program

- c. Bureau of Enforcement
Woodbridge Township Municipal Clerk
Woodbridge Township Municipal Construction Official